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CAUSE NO. 94-03363-V.

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IN THE DISTRICT COURT
303rd JUDICIAL DISTRICT
DALLAS COUNTY

IN THE INTEREST OF

WHITTAKER RHEA ODOM,

MINOR CHILD

PETITION TO MODIFY PARENT-CHILD RELATIONSHIP

I. Discovery Level

Discovery in this case is intended to be conducted under Level 2 of Rule 190 of the Texas Rules of Civil Procedure.

II. Petitioners and Order to be Modified

This suit to modify a prior order is brought by GEORGIA SIGALOS and JOHN L. SIGALOS, Petitioners. Petitioners reside at 7010 Regalview Circle, Dallas, Texas 75248. Petitioners are the maternal grandparents of the child subject of the suit and have standing to bring this suit. The requested modification will be in the best interest of the child. The order to be modified is entitled "Order on Motion to Modify in Suit Affecting the Parent-Child Relationship" and was rendered on June 12, 1997.

III. Jurisdiction

This Court has continuing exclusive jurisdiction of this suit.

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NO. 94-03363-V

IN THE INTEREST OF

WHITTAKER RHEA ODOM

A CHILD

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IN THE DISTRICT COURT

303RD JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

ORDER1. **Date of Hearing**

On July 24, 2001, the Court heard this case.

2. **Appearances**

Movants, JOHN AND GEORGIA SIGALOS, appeared in person and through attorney of record, Lawrence J. Praeger, and announced ready for trial. Respondent, PHILLIP VAN ODOM, appeared in person and through his attorney of record, Mike Berkley, and announced ready for trial.

3. **Jurisdiction**

The Court, after examining the record and hearing the evidence and argument of counsel, finds that it has jurisdiction of this case and of all the parties and that no other court has continuing, exclusive jurisdiction of this case. All persons entitled to citation was properly cited.

4. **Jury**

A jury was waived, and all questions of fact and of law were submitted to the Court.

5. **Record**

The making of a record of testimony was waived by the parties with the consent of the Court.

6. **Child**

The Court finds that the following child is the subject of this suit:

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Name: WHITTAKER RHEA ODOM

Sex: Female

Birthplace: Dallas, Texas

Birth date: August 7, 1991

Present Residence: 1520 Richardson Dr, Apt. 417, Richardson, TX 75080

Home state: Texas

7. Orders

The Court finds that the following orders are in the best interest of the child.

IT IS ORDERED that Movants, maternal grandparents JOHN AND GEORGIA SIGALOS, are granted the following rights, duties and powers:

1. The right to have access to all school records including but not limited to academic calendars; calendar of extracurricular activities; calendar of events conducted by the school or that take place at the school with the exception of medical and psychological counseling records. It is further ordered that Respondent, PHILLIP VAN ODOM, shall sign a release for school records as required to effectuate this Order. (The grandparents shall not be entitled to consult with teachers or staff but may attend any school function or extracurricular function as per the school's policy.)
2. The right to obtain copies of academic records, calendars, calendars of extracurricular activities conducted by the school or that take place at the school.
3. The right to consent to medical, dental and surgical treatment only during an emergency involving the immediate danger to the health and safety of the child, when the child is in their possession.
4. The right to receive medical/psychological information from Dr. Alexandria Doyle or her designated successor in accordance with the terms set forth in this Order.
5. The duty to inform PHILLIP VAN ODOM in a timely manner of significant information concerning the health, education and welfare of the child.

8. Appointment of Mental Health Professional

The Court finds that it is in the best interest of the child to continue counseling with Dr. Alexandria Doyle or Dr. Doyle's designated successor. IT IS ORDERED that Dr. Doyle shall meet with the child subject of this suit as she determines necessary but not less than quarterly.

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IT IS FURTHER ORDERED that Dr. Doyle in addition to her duties to counsel with the child subject of this suit shall have access to all the child's medical/psychological records and shall determine what records shall be released to Movants, JOHN AND GEORGIA SIGALOS.

IT IF FURTHER ORDERED that any issues concerning WHITTAKER RHEA ODOM's education, ^{or possession} ~~or mental health~~ shall be addressed through Dr. Doyle or her designated successor.

9. Possession Schedule

IT IS ORDERED that Movants, JOHN AND GEORGIA SIGALOS, shall have possession of the child subject of this suit as follows:

1. Weekends. On weekends, beginning at the time the child's school is regularly dismissed on the second Friday of each month and ending at 6:00 p.m. on the following Sunday.
 2. Weekend Possession Extended by Holiday. Except as otherwise explicitly provided in this possession order, if a weekend period of possession by Movants, JOHN AND GEORGIA SIGALOS, begins on a Friday that is a school holiday during the regular school term or a federal, state or local holiday during the summer months when school is not in session, or if the period ends on or is immediately followed by a Monday that is such a holiday, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the Friday holiday or school holiday or end at 6:00 p.m. on that Monday holiday or school holiday.
- IT IS ORDERED that Movants, JOHN AND GEORGIA SIGALOS, shall have a one week period of possession during the academic year excluding the Christmas vacation, upon 60 days written notice from Movants to Respondent, PHILLIP VAN ODOM.
3. Summer Possession. Movants, JOHN AND GEORGIA SIGALOS, shall have two periods of summer possession: A two week period and an additional one week period. The two week block shall consist of the second and third weeks in the month of July beginning at 6:00 p.m. on Friday and ending at 6:00 p.m. on Friday after the expiration of fourteen days.

IT IS FURTHER ORDERED that PHILLIP VAN ODOM shall designate in writing to the Movants, JOHN and GEORGIA SIGALOS, by May 1st of each year his exclusive eighteen day period of summer possession. Thereafter, Movants shall

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designate in writing by June 1st of each year to PHILLIP VAN ODOM their additional one week period of possession.

IT IS FURTHER ORDERED that Movants, JOHN AND GEORGIA SIGALOS, shall not have the second weekend in the month of July.

4. Greek Easter. The weekend in which Greek Easter falls from Friday when school recesses until the following Sunday at 6:00 p.m. This weekend shall be substituted for the regular second weekend monthly period of possession. In the event that Greek Easter occurs on the same weekend as Protestant Easter, the parties shall alternate possession with PHILLIP VAN ODOM having possession on the first weekend in which Protestant Easter and Greek Easter coincide. On the next weekend in which Greek Easter and Protestant Easter coincide, JOHN AND GEORGIA SIGALOS shall have possession of WHITTAKER RHEA ODOM.
5. Christmas. Each year for a period of three consecutive days either before or after December 25th. IT IS FURTHER ORDERED that Movants, JOHN AND GEORGIA SIGALOS shall in writing by December 1st of each year give notice to PHILLIP VAN ODOM of the specific three day period selected. JOHN AND GEORGIA SIGALOS shall ~~attempt to~~ schedule their three day periods of possession so as to not interfere with any plans of PHILLIP VAN ODOM *which shall not exceed 7 days.*
There shall be no 2nd weekend possession in December of each year.
6. Child's Birthday. Either the day before or the day after each August 7th from 8:00 a.m. to 8 p.m.
7. Mother's Birthday. Each June 4th from 8.00 a.m. to 8 p.m.
10. General Terms and Conditions
 1. Pickup and Delivery. IT IS ORDERED that the Movants or any competent adult designated by Movants shall pick up WHITTAKER RHEA ODOM either from the school in which she is enrolled or the home of the PHILLIP VAN ODOM at the beginning of each period of possession and shall return the child to the residence of PHILLIP VAN ODOM.
 2. Right of First Refusal. IT IS ORDERED that Movants shall have access to the child at all times in which the parent will be unable to have possession of the child and the child will be in a commercial daycare center. PHILLIP VAN ODOM is ordered to contact the Sigaloses as soon as the ODOM's know that the child will be placed at a daycare center.
 3. Possession "Bank". IT IS ORDERED that Movants ^{may} ~~shall~~ save up their weekend or other periods of possession to create a larger block of time. The purpose of this would be to allow WHITTAKER RHEA ODOM to take extended trips with the

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grandparents. The time accumulated under the possession "bank" must be utilized during the same calendar year in which the time is acquired.

IT IS ORDERED that JOHN AND GEORGIA SIGALOS must notify Respondent PHILLIP VAN ODOM, at least 30 days in advance of any period of time which is not going to be utilized and accumulated for the purpose of the possession "bank".

11. Domicile Restriction

The residence of the child is restricted to Dallas County and contiguous county until the parties agree otherwise.

12. Information Regarding Parties and Child

Information regarding each party is as follows:

Name: JOHN SIGALOS

Social Security Number: 084-20-0246

Driver's License Number and Issuing State: 09572398 TX

Current Residence Address: 7010 Regalview Circle, Dallas, Texas 75248

Mailing Address: 7010 Regalview Circle, Dallas, Texas 75248

Home Telephone Number: 972-661-8548

Name of Employer: None

Address of Employer: N/A

Work Telephone Number: N/A

Name: GEORGIA SIGALOS

Social Security Number: 101-24-7599

Driver's License Number and Issuing State: 09098384 TX

Current Residence Address: 7010 Regalview Circle, Dallas, Texas 75248

Mailing Address: 7010 Regalview Circle, Dallas, Texas 75248

Home Telephone Number: 972-661-8548

Name of Employer: None

Address of Employer: N/A

Work Telephone Number: N/A

Name: PHILIP VAN ODOM

Social Security Number: 453-43-3776

Driver's License Number and Issuing State: 09660270 TX

Current Residence Address: 1520 Richardson Dr., Richardson, Texas 75080

Mailing Address: 1520 Richardson Dr., Richardson, Texas 75080

Home Telephone Number: 972-238-1200

Name of Employer: _____

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Address of Employer: _____
Work Telephone Number: _____

Name: WHITTAKER RHEA ODOM
Social Security Number: 637-26-7160
Driver's License Number and Issuing State: None
Current Residence Address: 1520 Richardson Dr., Richardson, Texas 75080
Mailing Address: 1520 Richardson Dr., Richardson, Texas 75080
Home Telephone Number: 972-238-1200
Name of Employer: None
Address of Employer: N/A
Work Telephone Number: N/A

13. **REQUIRED NOTICES**

EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY OF ANY CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS, MAILING ADDRESS, HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS OF EMPLOYMENT, DRIVER'S LICENSE NUMBER, AND WORK TELEPHONE NUMBER. THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN SUFFICIENT TIME TO PROVIDE 60-DAY NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

THE DUTY TO FURNISH THIS INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY CONTINUES AS LONG AS ANY PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD SUPPORT OR

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ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD.

FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500.00 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

Notice shall be given to the other party by delivering a copy of the notice to the party by registered or certified mail, return receipt requested. Notice shall be given to the Court by delivering a copy of the notice either in person to the clerk of this Court or by registered or certified mail addressed to the clerk.

14. WARNINGS TO PARTIES

WARNINGS TO PARTIES: FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

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FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING
THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL
BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY
FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

15. Court Costs

IT IS ORDERED that costs of court are to be borne by the party who incurred them.

16. Relief Not Granted

IT IS ORDERED that all relief requested in this case and not expressly granted is denied.

SIGNED on Nov. 26, 2001

Dee Miller
Judge of the 254th District
Court, sitting for the Judge
of the 309 District Court

JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCE:

JOHN SIGALOS

GEORGIA SIGALOS

PHILLIP VAN ODOM

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APPROVED AS TO FORM ONLY:

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